

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #11	CCRB Case #: 201607230	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/17/2016 6:30 PM	Location of Incident: § 87(2)(b)	Precinct: 52	18 Mo. SOL 2/17/2018	EO SOL 2/17/2018	
Date/Time CV Reported Tue, 08/23/2016 1:20 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 08/23/2016 1:39 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Brandon Gembecki	01517	949015	052 PCT
2. POM Jose Santiago	30357	932215	052 PCT
3. POM Adam Landesberg	15894	949195	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brandon Gembecki	Abuse: Police Officer Brandon Gembecki entered and searched § 87(2)(b) in the Bronx.	§ 87(2)(g)
B.POM Jose Santiago	Abuse: Police Officer Jose Santiago entered § 87(2)(b) in the Bronx.	§ 87(2)(g)
C.POM Adam Landesberg	Abuse: Police Officer Adam Landesberg entered § 87(2)(b) in the Bronx.	§ 87(2)(g)
D.POM Brandon Gembecki	Abuse: Police Officer Brandon Gembecki threatened to arrest § 87(2)(b)	§ 87(2)(g)
E.POM Jose Santiago	Abuse: Police Officer Jose Santiago searched § 87(2)(b) in the Bronx.	§ 87(2)(g)
F.POM Adam Landesberg	Abuse: Police Officer Adam Landesberg searched § 87(2)(b) in the Bronx	§ 87(2)(g)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(g)

Case Summary

§ 87(2)(b) and § 87(2)(b) filed this complaint in person at the CCRB on August 23, 2016.

On August 17, 2016, § 87(2)(b) and § 87(2)(b) were home inside of § 87(2)(b) in the Bronx, with a friend, § 87(2)(b) heard a knock at the door and someone say, "Police." § 87(2)(b) looked through the peephole and saw three officers dressed in plainclothes with visible shields around their necks. He opened the door and asked what the problem was.

PO Brandon Gembecki, PO Adam Landesberg, and PO Jose Santiago, all from the 52nd Precinct, entered the apartment (**Allegations A through C**) and stood in the living room. PO Gembecki informed § 87(2)(b) that the officers had received a complaint regarding a firearm inside the apartment. § 87(2)(b) denied possessing any firearms. PO Gembecki allegedly told § 87(2)(b) that if he did not cooperate, he would be arrested (**Allegation D**). While PO Landesberg and PO Santiago remained in the living room with § 87(2)(b) and § 87(2)(b) PO Gembecki followed § 87(2)(b) further into the apartment.

PO Gembecki allegedly searched § 87(2)(b)'s bedroom (**Allegation A**) and then returned with § 87(2)(b) to the living room. PO Landesberg and PO Santiago, identified via investigation, then allegedly walked out of sight towards the bedroom and returned to the living room with two imitation firearms (Board Review 01) (**Allegations E and F**). The officers left the apartment without arresting or issuing a summons to anyone inside. § 87(4-b), § 87(2)(g)

This case has video evidence, a SnagIt copy of which has been placed below. Please note that the original video can be found at Board Review 02 and the transcription of the video can be found at Board Review 03.

Video surveillance footage from Homeland Surveillance which captures the officers entering § 87(2)(b) (02:07):



2016-10-04_11-19-23.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) rejected mediation.
- As of October 4, 2016, neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York regarding this incident (Board Review 04).
- Neither § 87(2)(b) (Board Review 05) nor § 87(2)(b) (Board Review 06) has been criminally convicted in New York City within the last 10 years.

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

§ 87(2)(b)

- PO Gembecki, a six year member-of-service, has four prior CCRB complaints filed against him with a total of seven allegations, one of which was substantiated. In CCRB case number 201509979, the Board recommended that PO Gembecki receive formalized training for issuing a retaliatory summons. The NYPD disposition is still pending. § 87(2)(g)
- PO Landesberg, a six year member-of-service, has two prior CCRB complaints against him, with a total of three allegations, none of which were substantiated § 87(2)(g)
- PO Santiago, a 13 year member-of-service, has 11 prior CCRB complaints filed against him with a total of 26 allegations, one of which was substantiated. In CCRB case number 200813545, the Board recommended that PO Santiago receive Command Discipline B for a vehicle stop, but the NYPD issued him instructions. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) alleged that four officers entered the apartment, but the investigation determined that only three officers were involved in this incident. § 87(2)(b) did not specify which two officers recovered the imitation firearms but said that these officers searched the apartment while he remained in the living room with PO Gembecki. As PO Landesberg and PO Santiago were the only additional officers present, Allegations E and F have been pled to them.

Allegation A –Abuse of Authority: Police Officer Brandon Gembecki entered and searched 2406 University Avenue, Apartment 3EW in the Bronx.

Allegation B –Abuse of Authority: Police Officer Adam Landesberg entered 2406 University Avenue, Apartment 3EW in the Bronx.

Allegation C –Abuse of Authority: Police Officer Jose Santiago entered 2406 University Avenue, Apartment 3EW in the Bronx.

PO Gembecki, PO Landesberg, and PO Santiago arrived at § 87(2)(b) to investigate a “Gun Stoppers” tip involving § 87(2)(b) having a firearm inside of the apartment. It is undisputed that all three officers entered the apartment and that PO Gembecki searched the apartment.

Hallway video surveillance footage obtained from Homeland Surveillance captured the entry. PO Gembecki is seen knocking on the apartment door and approximately one minute later, the door is opened by a not-visible individual. PO Gembecki appears to speak to someone for approximately 15 seconds before slowly walking into the apartment, followed by PO Landesberg and PO Santiago.

§ 87(2)(b) alleged (Board Review 09) that when he opened the door and asked what was wrong, PO Gembecki, PO Landesberg, and PO Santiago “stormed” inside without saying anything. § 87(2)(b) said he stood to the side to avoid making physical contact with the officers. He denied ever inviting them inside. PO Gembecki told § 87(2)(b) that he wanted to search the apartment. Because PO Gembecki told § 87(2)(b) that he would be arrested if he did not cooperate (see Allegation D), § 87(2)(b) escorted PO Gembecki into his bedroom, where PO Gembecki searched inside drawers and under § 87(2)(b)'s mattress with negative results.

§ 87(2)(b) testified (Board Review 10) that § 87(2)(b) requested a search warrant at the door, but the officers rushed past him and entered the apartment without permission. § 87(2)(b) stated (Board Review 11) that § 87(2)(b) did not invite the officers inside, that § 87(2)(b) requested a search warrant twice, and that § 87(2)(b) told the officers not to search the apartment.

PO Gembecki (Board Review 12), PO Landesberg (Board Review 13), and PO Santiago (Board Review 14) all testified that § 87(2)(b) verbally invited them inside the apartment and verbally consented to them searching the apartment. PO Gembecki acknowledged searching § 87(2)(b)'s bedroom with negative results, as well as the hallway closet where he recovered the imitation firearms. PO Santiago stated that other than § 87(2)(b)'s verbal consent, there was no reason to enter the apartment. PO Landesberg stated that they arrived with the intent of confirming § 87(2)(b)'s welfare, but that upon arrival, there was no indication that § 87(2)(b) was in danger.

§ 87(2)(g)

Allegation D –Abuse of Authority: Police Officer Brandon Gembecki threatened to arrest

§ 87(2)(b)

§ 87(2)(b) alleged that after he denied that there was a gun in the apartment, PO Gembecki told § 87(2)(b) that he would be arrested if he did not cooperate. § 87(2)(b) corroborated that PO Gembecki made this statement.

PO Gembecki testified that prior to the recovery of the two imitation firearms, the officers lacked probable cause to arrest § 87(2)(b). PO Gembecki denied that he threatened to arrest § 87(2)(b) and PO Santiago and PO Landesberg denied hearing PO Gembecki do so. PO Santiago acknowledged that after the imitation firearms were recovered, he told § 87(2)(b) that possessing them was illegal and that he could be arrested, but that because he cooperated, he would not be arrested.

§ 87(2)(g)

Allegation E –Abuse of Authority: Police Officer Adam Landesberg searched 2406 University Avenue, Apartment 3EW in the Bronx.

Allegation F –Abuse of Authority: Police Officer Jose Santiago searched 2406 University Avenue, Apartment 3EW in the Bronx.

§ 87(2)(b) alleged that after PO Gembecki searched his bedroom, PO Landesberg and PO Santiago entered the bedroom and were not visible for several minutes, until they returned to

the living room with the imitation firearms, which he knew had been inside a hallway closet, although he did not see the imitation firearms being recovered.

All three officers stated that PO Gembecki recovered the imitation firearms from a closet near § 87(2)(b)'s bedroom. PO Landesberg and PO Santiago both denied entering the apartment further than the living room, and they denied searching any part of the apartment. PO Gembecki did not recall whether PO Landesberg or PO Santiago accompanied him into § 87(2)(b)'s bedroom, but § 87(2)(b) corroborated PO Landesberg's and PO Santiago's version of this aspect of the incident. § 87(2)(b) said that two officers remained in the living room while PO Gembecki entered § 87(2)(b)'s bedroom, searched the closet, and recovered the imitation firearms and that no additional officer searched any other rooms of the apartment.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Squad: 11

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date